



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, FEBRUARY 8, 2006 --7:00 P.M.

Please refer to compact disk #02-08-06 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Phil Micciche, Chair; Joanne Talesfore, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Stephen M. Rice

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Associate Planner Sandy Baily and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented on Youth Commission's involvement with the American Apparel application. He will provide his midterm grades on all the Commissioners at the next meeting. Also commented on the high priority need for sidewalks along one side of Blossom Hill Rd for the school children.

APPROVAL OF MINUTES

January 25, 2006 - Motion by Commissioner Talesfore and seconded by Commissioner Bourgeois to approve meeting minutes. Carried unanimously.

CONSENT CALENDAR

ITEM 1 **615 Blossom Hill Road**
Architecture and Site Application S-06-036

Requesting approval of a time extension to construct 49 apartment units and a recreational building on property zoned RM:5-12:PD. APNS: 529-16-026, 073 and 529-14-012

PROPERTY OWNER: Steven Dilbeck and Cupertino Development Corporation

APPLICANT: Cupertino Development Corporation

PUBLIC TESTIMONY by Ray Davis and Mary Hoover.

MOTION: Commissioner Kane moved and seconded by Commissioner O'Donnell to extend Architecture and Site Application S-06-036 to April 13, 2006 only. The applicant was not present to answer questions from the Commissioner; therefore, the Commission reduced the time limit of the extension since an action had to be taken at this meeting.

Motion carried 7-0.

Appeal rights recited by Mr. Korb.

CONTINUED PUBLIC HEARING - Item 2 moved to the end of the agenda.

NEW PUBLIC HEARINGS

ITEM 3 **14777 Los Gatos Blvd, Suite 102**
Sign Program Application SNPRG-011
Conditional Use Permit U-06-11

Requesting approval of a sign program for the building, requesting approval to operate a 24 hour restaurant (Subway Sandwiches), and requesting an interpretation of the existing conditions of approval for the building regarding the gateway and water feature on property zoned CH. APN 424-06-129
PROPERTY OWNER: Hooman Sotoodeh
APPLICANT: Gurprett Sachdev

PUBLIC TESTIMONY by Gurpreet Sachdev, Hooman Sotoodeh, Dave Coberly and Diana Kazarian,

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Rice to approve Conditional Use Permit U-06-11. The required findings were made as noted in Exhibit B of report dated February 1, 2006 and the application incorporated the conditions as noted in Exhibit C of the report dated February 1, 2006 with added conditions as follows:

10. ONE YEAR REVIEW. One year from the issuance of the certificate of occupancy, Town staff shall review the Conditional Use Permit, to determine if incidents or issues associated with the 24 hour use have occurred. Staff shall report their findings to the Planning Commission.

Motion carried 4 - 3 with Commissioners Talesfore, Kane and Quintana dissenting. Commissioner Quintana provided the following reasons for not supporting the motion a) 24-hour restaurant operation is precedent setting, and, b) Draft No. 40 plan should not be criteria used to final this Architecture and Site application. Commissioners Kane and Talesfore could not support the motion due to the request for a 24-hour restaurant operation.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Bourgeois to provide the following direction on Sign Program Application SNPRG-011 as noted in Exhibit E of the Staff Report dated February 1, 2006:

- 1) Non-internally illuminated plexiglass channel letter signs are allowed for the retail wall signs. External lighting may be provided with gooseneck lighting. Corporate trademark colors and logos may be allowed provided the colors are muted or changed to blend with the building to the satisfaction of the Community Development Director.
- 2) Upheld staff's recommendation that the sign along the north elevation is classified as a freeway sign which is prohibited pursuant to the Town Code.

Motion carried 7-0.

Appeal rights recited by Mr. Korb.

MOTION: Motion by Commissioner Quintana that the applicant's proposal does not meet the intent of the Conditions of Approval for Architecture and Site Application S-04-011 and directs the applicant to file the appropriate plans for the water feature to Community Development for consideration. Motion died for lack of a second.

MOTION: Motion by Commissioner Kane to find the applicant's proposal does not meet the intent of the Conditions of Approval for Architecture and Site Applicant S-04-011, directed applicant to pay the \$25,000 and the art/water feature be submitted to the Community Development Director and subject to approval by the Arts Commission. Commissioner Talesfore seconded. After further discussion, Commissioner Talesfore withdrew the second and motion died.

MOTION: Motion by Commissioner Bourgeois and seconded by Commissioner O'Donnell to merge features to allow the applicant's water feature to fulfill the project's Community Benefit requirements. Motion fails.

MOTION: Motion by Commissioner Rice and seconded by Commissioner Quintana to find that the applicant's proposal does not meet the intent of the Conditions of Approval for Architecture and Site Application S.04-011 and to direct applicant to pay the contribution fee of \$25,000 for Community Benefit and submit plans for the water feature to Community Development Director and the Arts Commission for review and approval.

Motion carried 6-1 with Commissioner Bourgeois dissenting.

Appeal rights cited by Mr. Korb.

Commissioner Kane recused from hearing the following items (Items 4 and 2).

ITEM 4 **54 Chester Street**
Architecture and Site Application S-05-031

Requesting approval to demolish a pre-1941 residence, construct a new single family residence and accessory structure with reduced setbacks and request for an interpretation of the cellar policy on property zoned R-1D. APN: 529-08-008
PROPERTY OWNER: Anna Huynh and Kevin Crane

PUBLIC TESTIMONY by Kevin Crane and Brian Kulman

MOTION: Motion by Commissioner Talesfore and seconded by Commissioner Quintana to refer Architecture and Site Application S-05-031 back to staff for redesign and a date uncertain for public hearing.

Motion carried 5-1-1 with Commissioner Micciche dissenting and Commissioner Kane recused.

Appeal rights cited by Mr. Tsuda.

After hearing Item 2, which was moved to the end of the agenda, Chair Micciche re-opened the public hearing on this item to allow the applicant to comment on his willingness to redesign the house. The applicant commented he would rather have the project denied than return to the Planning Commission.

MOTION: Motion by Commissioner O'Donnell and seconded by Chair Micciche to rescind previous motion. Motion carried 5-1-1 with Commissioner Quintana dissenting and Commissioner Kane recused.

MOTION: Motion by Commissioner Talesfore and seconded by Chair Micciche to deny Architecture and Site Application S-05-031 since findings and conditions could not be made as noted in Exhibits A and B of report dated February 2, 2006. Motion carried 6-0-1 with Commissioner Kane recused

Appeal rights cited by Mr. Tsuda.

CONTINUED PUBLIC HEARING

ITEM 2 **Zoning Code Amendments A-06-01 through A-06-11**

Public hearing to consider amending the following sections of the Town Code:

- References to Planning Director
- Requirements for Certificates of Use and Occupancy/Second Dwelling Units/Appeals From Decisions of the Planning Director
- Parking Exemption Clarification for Historic Districts and Parking Lot and Dimension Modifications to Meet National Pollution Discharge Elimination System Requirements

- Minor Residential Development Application Procedures and Approvals Required for Architecture and Site Application
- Projections Allowed Into Yards, Convert Town Policies into Town Code Requirements Relating to Detached Accessory Structure Exemptions, and Detached Garage Exemption
- Title Clarification and Height Exception for Wireless Telecommunication Facilities
- Salvaging/Recycling Requirements for Demolitions
- Appeal Withdrawals, Noticing Procedures for Minor Residential Projects and Clarification of Appeal Fees
- Conditional Use Permit Requirement for New Office Buildings and Findings for Denial
- Convert Town Policies into Town Code Requirements Relating to Definitions of Attic/Cellar/Basement
- Spelling and Grammar Corrections

It has been determined that this project could not have a significant impact on the environment, therefore, the project is not subject to the California Environmental Quality Act (Section 15061 (b)(3)).

APPLICANT: Town of Los Gatos

(Continued from January 11, 2006)

PUBLIC TESTIMONY: None

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Talesfore to recommend approval of Zoning Code Amendments A-06-01 through A-06-11 and forward to Town Council for final action. Motion by Commissioner Quintana and seconded by Commissioner O'Donnell to continue Zoning Code Amendment A-06-08 to the public hearing on February 22, 2006.

Motions carried 6-0-1 for both actions on the above with Commissioner Kane recused.

CONTINUED OTHER BUSINESS

NEW OTHER BUSINESS

Sub-Committee Reports

Conceptual Development Advisory Committee - Commissioner Talesfore commented on the two items on the agenda, i.e., 115 N. Santa Cruz Avenue (Chart's Restaurant) and 16245 Burton Road (new child care facility).

Report from Director of Community Development - Mr. Tsuda provided information on the Planners Institute. Commissioners Talesfore, Kane, Quintana, O'Donnell and Bourgeois will be attending the conference on March 22-24, 2006. Planning Commission meeting on March 22, 2006 will be cancelled.

Commission Matters - Chair Micciche commented on the Policies and Procedures information provided by staff for Planning Commissioners information.

ADJOURNMENT

Chair Micciche adjourned the meeting at approximately 11:00 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
February 8, 2006

Phil Micciche, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development